

Contents

<i>Acknowledgement of Funders</i>	<i>v</i>
<i>List of Authors</i>	<i>xi</i>
<i>List of Abbreviations</i>	<i>xiii</i>
1. Constitutional Backsliding in Central and Eastern Europe in Lieu of Back to Europe	1
I. Introduction	1
II. The Argument of this Book.....	9
III. Acknowledgments.....	12
2. The Genesis of Slovenian Constitutional Democracy	15
I. A People that Came from Nowhere.....	15
II. The Road to Independence and Construction of a New Constitutional Legal Order	20
III. Slovenia as a Constitutional Democracy	23
IV. The Sociology of Slovenian Constitutional Order	26
V. A Semi-Permanent Transition and the New Normal.....	32
3. Historical Reasons for Failures of the Rule of Law and Constitutional Democracy in Slovenia	34
I. Introduction	34
II. The Pitfalls of the Past	37
III. Transitional Justice Measures.....	40
IV. The Impact of the Unresolved Past on the Rule of Law and Democracy.....	50
V. Conclusion	54
4. The (Non) Reforms of Slovenia's Economy	55
I. Introduction	55
II. Slovenia's Economy in the 19th and the Early 20th Century	57
III. The Centrally Planned Times of the SFRY and the Pretransition Era.....	59
IV. State of Play after Independence.....	61
V. The Crash: The 2008 Global Financial Crisis.....	63
VI. Differences in Some Policies	64
VII. Analysis of Different Economic Concepts.....	69
VIII. Conclusion	72

5. The Current Crises of Human Rights Protection, the Rule of Law and Democracy in Slovenia	75
I. Introduction	75
II. The Current Crises of Human Rights Protection in Slovenia	78
III. The Current Crises of the Rule of Law and Constitutional Democracy in Slovenia	85
IV. Theorising Reasons for the Current Crises of the Rule of Law and Constitutional Democracy in Slovenia	92
V. Conclusion	97
6. The Judiciary and the Rule of Law in Slovenia	98
I. Introduction	98
II. Systemic Violation of the Right to a Trial in a Reasonable Time	100
III. Challenges to Judicial Independence.....	104
IV. Impartiality of the Judiciary.....	111
V. Ordinary Courts and Human Rights Protection.....	116
VI. Distrust of the Judiciary.....	119
VII. Conclusion	121
7. The Vicious Circle of Slovenian Democracy	125
I. Introduction	125
II. Three Crises of Input Legitimacy	127
III. The Crisis of Throughput Democratic Legitimacy	137
IV. The Crisis of Output Legitimacy.....	142
V. Conclusion	146
8. Freedom of Press under Stress in Slovenia.....	148
I. Introduction	148
II. The Constitutional and Institutional Frameworks of Press Freedom in Slovenia	151
III. Freedom of the Press under Stress in Slovenia.....	158
IV. Overall Assessment	169
V. Conclusion	173
9. Welfare State and Solidarity in Slovenia.....	174
I. Introduction	174
II. (In)equality, Equal Capabilities and Socioeconomic Livelihoods in Slovenia	177
III. The Normative Protections of Welfare State and Socioeconomic Rights in Slovenia.....	180
IV. Regional Inequality in Slovenia.....	185

V. The Impact of Weak Rule of Law and Constitutional Democracy on the Level of Welfare State and Socioeconomic Rights in Slovenia	189
VI. The Future of the Welfare State and Human Development in Slovenia	192
VII. Conclusion	194
10. The Influence of the Council of Europe on the Rule of Law in Slovenia	196
I. Introductory Remarks	196
II. The European Commission for Democracy through Law	198
III. The Commissioner for Human Rights of the Council of Europe	206
IV. The European Court of Human Rights	208
V. Conclusion	218
11. The Impact of the European Union on Constitutional Democracy in Slovenia.....	219
I. Pre-Accession Phase	221
II. Post-Child Membership Phase	224
III. Post-Crisis Phase.....	229
IV. Conclusion	238
12. The Case for a Resilient Constitutional Democracy.....	241
I. The Concentric Circles of Western Democratic Decay	241
II. In Pursuit of a Resilient Constitutional Democracy.....	244
III. Why is the East More Fragile than the West?.....	245
IV. Democratic and Academic Decay	248
V. Making the Case for a Resilient Constitutional Democracy	249
VI. What Can the Council of Europe Add to its Existing Activities to Strengthen the Resilience of Constitutional Democracy in CEE Countries?	252
VII. By Way of Conclusion: Concrete Proposals for the Reform of Slovenia's Constitutional Democracy	255
<i>Bibliography</i>	260
<i>Index</i>	291